

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

MOTION FOR DEFAULT JUDGEMENT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its Order granting default judgement against the following defendants:

UNKNOWN CLAIMANTS OF INTEREST TO SURFACE WATERS IN THE RIO
GALLINA SECTION OF THE RIO CHAMA STREAM SYSTEM

and as grounds therefore plaintiff states:

1. Under the Procedural Order for the Adjudication of Water Rights Claims in the Rio Gallina Section of the Rio Chama Stream System (Section 5) filed March 15, 2000, the deadline for filing a Statement of Omitted Claim was December 29, 2000. *See* Procedural Order for the Adjudication of Water Rights Claims in the Rio Gallina Section of the Rio Chama Stream System, filed March 15, 2000 (Doc. No. 5890), paragraph VI, I.
2. The Court has jurisdiction over the defendants named above as shown by the Proof of Publication of Notice of Pendency of Suit filed December 1, 2000 (Doc. No. 6060).
3. The defendants named above are in default for failure to appear, answer, or otherwise

defend in this cause, as shown by the Clerk's Certificate of Default filed February 6, 2001 (Doc. No. 6157).

4. Counsel for the Acequias in the Rio Gallina Section of the Rio Chama Stream System, Mary E. Humphrey, supports the granting of this motion.

WHEREFORE the plaintiff State of New Mexico requests the Court to grant default judgement against Unknown Claimants of Interest to Surface Waters in the Rio Gallina Section of the Rio Chama Stream System, find that those defendants have no surface water irrigation rights in the Rio Gallina Section of the Rio Chama Stream System, and forever bar the assertion of such claims in these proceedings.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion for Default Judgement was mailed to following persons on December 7, 2004.

/s/ Ed Newville

Edward G. Newville

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